

571—17.6(461A) Restricted areas. Leases shall not be issued for a fleeting area in the following locations unless the department determines there is a compelling reason for fleeting in such an area.

17.6(1) A site subject to unusual hazards including but not limited to high wind, strong current, violent ice movement, and hydraulic surges during the time fleeting operations are proposed to be carried out.

17.6(2) A site receiving high use for recreation, sport fishing, or commercial fishing unless the fleeting area can be placed or structured to be compatible with such uses.

17.6(3) A site immediately adjacent to industries or other facilities, which, together with fleeting operations, present a substantial risk of fire, explosion, water pollution, or other serious safety hazards.

17.6(4) A site where fleeting area activities would restrict or interfere with or have a substantial adverse effect on the use and enjoyment of an area owned by federal, state, or local government, including but not limited to public parks, game refuges, forests, or recreation areas used for access to docks, slips, harbors, marinas, boat launching ramps or unique biological or physical features of the river valley itself.

17.6(5) A site immediately adjacent to or over a dam, sill, lock, breakwater, revetment, navigation aid, or wing dam.

17.6(6) A site within established navigation channels for commercial or recreational vessels.

17.6(7) A site within the approach area for a lock portion of a dam structure.

17.6(8) A site adjacent to bridges or vessel approach areas to bridges.